



DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814

December 10, 1987

ALL COUNTY INFORMATION NOTICE NO. 1-111-87

TO: ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY COUNSELS

SUBJECT: Chapter 167, Statutes of 1987 (AB1519)

This letter is to notify Counties of the enactment of Chapter 167, Statutes of 1987 (AB 1519) which expands Section 11167.5 of the Penal Code to permit disclosure of child abuse reports and information to "hospital scan teams" and authorizes disclosure among hospital scan teams which are located in the same County. This law becomes effective January 1, 1988.

Hospital scan teams are defined as teams of three or more persons established by a hospital, or two or more hospitals in the same County, consisting of health care professionals and representatives of law enforcement and child protective services. The function of hospital scan teams is to more effectively identify child abuse by having access to information concerning any prior examination of a child by a scan team for abuse/neglect at another hospital within the County.

Counties are cautioned regarding the kind of information shared with the hospital scan team. While State and Federal confidentiality regulations allow disclosure of reports of child abuse and the sharing of information contained in those child abuse reports to enumerated persons or agencies, information contained in other welfare records such as child welfare services case records is still protected by State and Federal statutes and may not be disclosed. For example, in the process of determining whether child abuse has occurred in a particular instance, the hospital scan team may share information, both verbal and written, regarding the particular abuse under investigation and information regarding any prior allegations of child abuse which may or may not have been substantiated but may not share any case record information concerning the provision of child welfare services.

In addition, the establishment of scan teams and sharing of child abuse report information before the effective date of January 1, 1988 violates both State and Federal confidentiality laws. A copy of the legislation is attached for your information.

If you have questions, please contact your Adult & Family Services Operations consultant at (916) 445-0623 or ATSS 485-0623.

  
LOREN D. SUTER  
Deputy Director  
Adult and Family Services

Attachment

cc: CWDA

Assembly Bill No. 1519

CHAPTER 167

An act to amend Section 11167.5 of the Penal Code, relating to child abuse.

[Approved by Governor July 22, 1987. Filed with  
Secretary of State July 23, 1987.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1519, Seastrand. Children: child abuse records.

Existing law generally provides for the confidentiality of reports of child abuse, which may only be disclosed as specified.

This bill would authorize the disclosure of reports of child abuse to hospital scan teams, as defined and as specified.

*The people of the State of California do enact as follows:*

SECTION 1. Section 11167.5 of the Penal Code is amended to read:

11167.5. (a) The reports required by Sections 11166 and 11166.2 shall be confidential and may be disclosed only as provided in subdivision (b). Any violation of the confidentiality provided by this article shall be a misdemeanor punishable by up to six months in jail or by a fine of five hundred dollars (\$500) or by both.

(b) Reports of suspected child abuse and information contained therein may be disclosed only to the following:

(1) Persons or agencies to whom disclosure of the identity of the reporting party is permitted under Section 11167.

(2) Persons or agencies to whom disclosure of information is permitted under subdivision (b) of Section 11170.

(3) Persons or agencies with whom investigations of child abuse are coordinated under the regulations promulgated under Section 11174.

(4) Multidisciplinary personnel teams as defined in subdivision (d) of Section 18951 of the Welfare and Institutions Code.

(5) Persons or agencies responsible for the licensing of facilities which care for children, as specified in subdivision (h) of Section 11166.

(6) The State Department of Social Services, as specified in paragraph (3) of subdivision (b) of Section 11170, when an individual has applied for a community care license or child day care license, or for employment in an out-of-home care facility, or when a complaint alleges child abuse by an operator or employee of an out-of-home care facility.

(7) Hospital scan teams. As used in this paragraph "hospital scan team" means a team of three or more persons established by a

hospital, or two or more hospitals in the same county, consisting of health care professionals and representatives of law enforcement and child protective services, the members of which are engaged in the identification of child abuse. The disclosure authorized by this section includes disclosure among hospital scan teams located in the same county.

(c) Nothing in this section shall be interpreted to require the Department of Justice to disclose information contained in records maintained under Section 11169 or under the regulations promulgated pursuant to Section 11174, except as otherwise provided in this article.

(d) This section shall not be interpreted to allow disclosure of any reports or records relevant to the reports of child abuse if the disclosure would be prohibited by any other provisions of state or federal law applicable to the reports or records relevant to the reports of child abuse.